







# The Principia.

KENTUCKY DEMANDS UPON OHIO.—MERE  
THE QUESTION

"Now it is admitted," continues *The Democrat*, "by the laws of Kentucky, the act of assisting a slave to escape is a crime; but the Governor of Ohio, through his Attorney General, contends that it is not an offence known to the laws of Ohio, or to the common law, and presents the question 'whether, under the Federal Constitution, our State is under obligation to surrender its citizens or residents to another State on the charge that they have committed an offence not known to the laws of Ohio, nor affecting the public safety, nor regarded as *infamous*?' by the general judgment and conviction of civilized nations."

"And this question the Attorney General resolves against any such obligation. He sets out as the true rule of constitutionality, that which holds the power to be limited to such acts as constitute either treason or felony by the common law as that stood when the Constitution was adopted or which are regarded as crime by the usage and laws of all civilized nations.

"The (great) of Ohio, says *The Democrat* undertakes to determine the character and nature of crimes intended by the Constitution, and assuming that negro-stealing is not within the scope of such crimes, refuses to return a fugitive to the abolitioned owner, that there can be no property in slaves, even in the States which recognize and protect the institution, and that such a slave is no crime in law or morals, so far as the Constitution is concerned, and thus, against the invasion of Alabama emissaries, and reduces that clause of the Federal Constitution to a dead letter. It is an official indorsement of the underground railroad as a policy, and a guarantee of protection in the State of Ohio, to all slave-stealers, and to all slaveholders in the South of their slaves, and even to her breeders. As such, it is monstrous violation of our constitution," &c. &c.

Now we beg leave to suggest to the *Mountain Democrat*, that the question of the soundness of its conclusion, must be decided viciously upon the soundness of its premises. What if it be true that there can be no property in slaves—and that the Constitution recognizes none? What if by the law of nature we expanded by all competent jurists, there can be no valid law extended to slaves? What if by numerous legal decisions of Southern Judges, slaveholders, there can be no legal slavery valid? Are we to conclude accordingly? What if by the testimony of Southern Jurists, there is no proof that the Constitution intended that slaveholders should be exempted from the laws established by Congress in regard to the slave-trade? What if the States of Massachusetts and New Hampshire have long since abolished the slave-trade, and now are forwarding treaties to the Senate for ratification? What if the Federal Congress has made no laws in regard to slavery? How will it stand up? As we have seen, the *Mountain Democrat* stands up? As we will witness of *The Dancer*, of charges of "Nullification in Ohio."

Two years ago, as an evening speaker, I received a large number of questions from the audience, and, among them, the following: "What is the difference between the Federal Union and the State Union?" I was glad that such an investigation is conducted, at once! If it happens that, at a time when the slavery question is a central, vital, and burning one, anywhere and everywhere in America, that the people there is such a general acknowledgment of the right to be down to the bottom of the question, and to insist on its full and frank discussion! We are easily won by the "peace" party, not from the South, in State Union, and we are not, either, by the "Mr. Douglass" party, and the "Right to Life" party, involving a new party, the "United States Union," and the "United States Union."

How then, says the Kentucky, can there be "property in slaves"? Or who can determine *which* is the master, the negro, or the white master? "No law can be framed to regulate Slavery, which establishes the institution. The same holds

to serve (1) any State, under the laws thereof. (The language of the Federal Constitution) cannot be shown, if there are no State laws establishing slavery,—as Mr. Mason understood, and as the *Mountain Democrat*, Mr. Magoffin, and

Gov. Denison should understand. *The Democrat's* talk about "a virtual nullification of the Constitution" &c. &c., is all gammon. What legal validity or force can there be

a Statute of Kentucky making "the act of assisting a slave to escape, a crime," when Kentucky has no laws establishing slavery, or making a slave of any man? Suppose an hundred stout negroes should seize the editor of the *Mountain Democrat*, and make a slave of him—the deed would be just as legal as the enslavement of any negro.

Then suppose the Editor should escape, and somebody should assist him in escaping, and then flee into Ohio. If the Governor of Kentucky should make a requisition, as a Governor of Ohio for the rendition of the Mr. "William Lago" who should have committed the "crime," what would the *Montreal Democrat* say of the case then? So far as "the laws of Kentucky" are concerned, the cases would be the same, the "qualification" of Ohio—"refusing the warrant of arrest," would be the same—and the bearing of the Federal Constitution on the case, would be the same as in the case that now exercises the logical powers of the *Detroit*.

ALL this is true, without going beyond the parameters of the Statute of Kentucky and the Constitution of the United States. All this is true without referring to the so-called "higher law"—the fundamental principle of all law—the common law maxim, adopted by the Supreme Court of the United States, that "statutes against fundamental morality are void." All this is according to law, without appealing to the law of nature, the law of Divine Revelation, the enlightened conscience, the sanctified affections of the Christian heart, or even the dictates of common humanity,—all of which are so elusive against the authority of the Kentucky statute, indelible, and required, with which the Ohio Governor declines to comply.

## THE NEW WHIG PARTY

*The Tribune* June 29<sup>th</sup>, announces that

A goodly number of well-known and influential persons who have hitherto stood with the Republican party, are preparing to hold a city meeting to respond to and satisfy the nomination of Lincoln and Hannibal. Most prominent among these are Messrs. Briggs, Briggs, and Briggs. Messrs. Briggs, Briggs, and Briggs are preparing to hold a city meeting to respond to and satisfy the nomination of Lincoln and Hannibal. Most prominent among these are Messrs. Briggs, Briggs, and Briggs.

In other words, leading Whigs are welcome to the new party with an old name, incorporated at Chicago, on the "Griff" plank of its platform, and by its lowered tone in respect to the slavery question. It is easy to show the "irrepressible conflict" speech of Mr. Seward made him "unavailable" for this location.

We are reminded of what the Tribune said in 1852: "If it when it had first voted that the Whig party could not be reconstituted, and before the Republican party was organized, the Tribune still standing outside of the 'Free Democracy,' and, as in opposition to the National Era and similar journals, exclaiming against even the low standard of August 1854, then advocated by them. Said the Tribune, we have the substance from memory, not the exact words. 'If we could have a Tariff party, we would consent that it should be the slavery question alone, as a political question, leaving it to moral suasion, only with the understanding that we shall not be read out of the party, for our opposition to slavery' "

No such party could be got up at that time. The *Tribune* came into the movement for the new Republican party, and has done more than any other twenty journals, or twenty statesmen, to shape the course of the party, and bring it into its present position. In short, the Republican party is, mainly, what the *Tribune* has made it.

We have watched its course, and marked its successive steps, since its declaration above-mentioned—have seen that it has had that object steadily in view—and are now satisfied that its aims are pretty nearly realized.

## Notes of the Day

OHIO AND TENNESSEE.

We have already noticed, in our leading editorial, the controversy between the Governors of Kentucky and Ohio. The papers bring us the following correspondence, on a similar case, between the Governors of Tennessee and Ohio. It is to be hoped that Gov. Denison of Ohio will stand firm.

Mr. Denison of Ohio refuses to surrender a person charged with stealing a Negro in Tennessee. Correspondence on the subject.

GOV. HARRIS TO GOV. DENISO

EXECUTIVE DEPARTMENT, )  
NASHVILLE, TENNESSEE, May 26, 1860. )  
W. Denison, Governor of the State of

Sir: There was issued from this Department, on the 17th inst., a requisition demanding of your excellency, as fugitives from justice from this State, Stephen G. Keady, and Mary Ann C. Hatch, *alias* Mary Ann C. Calhoun, charged with the crime of negro-stealing, which is a felony under the statute laws of Tennessee.

I am informed by James H. Swan, the agent appointed by me to receive the fugitives, that your excellency refused to cause said fugitives to be arrested and delivered to him. Upon an examination of the record in this Department, I am unable to discover any defect in the requisition, and deem it due to the aggrieved party, who is a citizen of this State, to ask your Excellency to point out such defect as, in your opinion, vitiates the requisition, so that in future I may understand the practice of the State of Ohio under the Act of Congress of Feb. 12, 1793, respecting the surrender of fugitives from justice. Very respectfully,

ISHAM G. HARRIS.

GOV. DENISON TO GOV. HARRIS.  
STATE OF OHIO, EXECUTIVE DEPARTMENT.

COLOMBUS, JULY 2, 1890. )  
 Isham G. Harris, Governor of the State. (

SIR: I have the honor to acknowledge the receipt of your  
 use of the 29th ultimo.

In reply I beg to say that the crime of negro stealing,  
 being known to either the common Law or the crim-  
 inal Law of this State it is not that class of crimes regu-  
 lated by the Federal Constitution, for the crimes of  
 the Federal Constitution are the Executive of this State.







